

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

—
No. 6:21-cv-00241
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Charles Lee Stuart,
Petitioner,

v.

Director, TDCJ-CID,
Defendant.

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ORDER

Petitioner Charles Lee Stuart, proceeding pro se, filed this federal petition for a writ of habeas corpus. Doc. 1. This petition was referred to United States Magistrate Judge John D. Love. On March 17, 2023, Judge Love issued a report (Doc. 13) recommending that petitioner's federal habeas petition be dismissed with prejudice because petitioner failed to exhaust state remedies and his federal claims were time barred. Judge Love also recommended that petitioner be denied a certificate of appealability *sua sponte*. A copy of the report was mailed to plaintiff, who received it on March 31, 2023, and did not file written objections. Doc. 14.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Petitioner is denied a certificate of appealability *sua sponte*.

So ordered by the court on April 26, 2023.


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J. CAMPBELL BARKER
United States District Judge